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**NOV 30 2007**

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**PLEASE DELIVER DIRECTLY TO EXAMINER NHON THANH DIEP**

**Fax No.:** (571) 273-8300

**Total No. Pages:** 3, including this cover sheet

**Message:** Transmitted herewith for filing in the below-identified application is a Response to Restriction Requirement. If you do not receive all pages or if you have problems receiving transmittal, please call Kyle B. Rinehart at (503) 595-5300. The fee (large entity) has been calculated as shown below.

**In re application of:** Mukerjee et al.

**Application No.** 10/622,378

**Filed:** July 18, 2003

**Confirmation No.** 4367

**For:** ADVANCED BI-DIRECTIONAL  
PREDICTIVE CODING OF VIDEO FRAMES

**Examiner:** Nhon Thanh Diep

**Art Unit:** 2621

**Attorney Reference No.** 3382-64472-01

**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (571) 273-8300 on the date shown below.

Attorney or Agent  
for Applicant(s)


Date Transmitted November 30, 2007

**FEE CALCULATION FOR CLAIMS AS AMENDED**

| For   | No. after amendment | No. paid for previously | Extra | Rate     | Fee           |
|---|---------------------|-------------------------|-------|----------|---------------|
| Total Claims  | 59                  | - 73*                   | = 0   | \$50.00  | \$ 0.00       |
| Indep. Claims   | 8                   | - 15**                  | = 0   | \$210.00 | \$ 0.00       |
| -month Extension of Time (1 month = \$120.00 2 months = \$460.00 3 months = 1,050.00) |                     |                         |       |          |               |
| <b>TOTAL FEE FOR THIS AMENDMENT</b>   |                     |                         |       |          | <b>\$0.00</b> |

\*greater of twenty or number for which fee has been paid. \*\*greater of three or number for which fee has been paid.

- ☒ No additional fee is required.
- ☒ If an extension of time is required please consider this a petition therefor.
- ☒ Please charge any fees that may be required in connection with filing of this Response to Restriction Requirement to Deposit Account 02-4550.

  
Kyle B. Rinehart  
Registration No. 47,027

November 30, 2007  
Date

cc: Docketing

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PATENT**RECEIVED  
CENTRAL FAX CENTER****NOV 30 2007**Attorney Reference Number 3382-64472-01  
Application Number 10/622,378**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re application of:** Mukerjee et al.**Application No.** 10/622,378**Filed:** July 18, 2003**Confirmation No.** 4367**For:** ADVANCED BI-DIRECTIONAL  
PREDICTIVE CODING OF VIDEO  
FRAMES**Examiner:** Nhon Thanh Diep**Art Unit:** 2621**Attorney Reference No.** 3382-64472-01**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (571) 273-8300 on the date shown below.

Attorney or Agent  
for Applicant(s)Date Transmitted November 30, 2007

COMMISSIONER FOR PATENTS

**RESPONSE TO RESTRICTION REQUIREMENT**

This responds to the Office action dated November 15, 2007.

The Examiner previously imposed a 10-way restriction requirement. Office action dated January 4, 2007. In response, the Applicants proposed an alternative grouping of the claims and elected the alternative group with claims 1-23. Response filed February 5, 2007. The Examiner examined claims 1-23 in the Office action dated May 18, 2007, acknowledging the Applicants' election without traverse. In an amendment filed August 27, 2007, the Applicants amended the claims and added claims in the same group.

In the November 15 Office action, the Examiner splits pending claims 1-7, 10, 18-21 and 74-120 into two groups:

Group I: claims 1-7, 10, 74-84 and 109-120

Group II: claims 18-21 and 85-108.

**The Applicants hereby elect the claims of new Group I with traverse.**

The Applicants agree that the claims of new Group I are generally directed to types of "decoding" while the claims of new Group II are generally directed to types of "encoding." The Applicants fail to understand, however, how this difference justifies the imposition of a second restriction requirement in the application.

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Attorney Reference Number 3382-64472-01  
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According to the MPEP, "Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations *do not overlap in scope* and are not obvious variants." MPEP 806.05(d), emphasis added. In view of the overlapping "fraction" language in the pending claims, the restriction requirement imposed by the Examiner is improper. The Applicants note that each of the pending claims includes language concerning a "fraction" that represents a "selected temporal distance position" (or "selected temporal position") for a current image relative to two reference images. To illustrate, the application as filed describes, for example, certain processing for direct mode macroblocks of bi-directionally predicted images, in which *either an encoder or a decoder* processes a "fraction" that "represents an estimated temporal distance position." *See, e.g., Application, pages 7-9.*

In any case, "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." MPEP 803. When examining original claims 1-23, the Examiner previously searched and examined "encoding" claims (9, 11, 18-23), claims to processing that could occur during "encoding" or "decoding" (claims 1-8, 10, 13-17), and a "decoding" claim (claim 12). Moreover, given the overlapping "fraction" language of the respective pending claims, the claims in the two new groups should not require a different field of search.

The Applicants respectfully request that the restriction requirement be withdrawn.

Respectfully submitted,

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By

  
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